

## **REMARKS**

In the Office Action, claims 1, 9 and 15 were objected to because of informalities. Claims 1-5, 8, 9, 13, 14, 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell (U.S. Pat. No. 6,302,121) in view of Sherman et al. (U.S. Design Pat. No. 326,339). Claims 6, 7 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell in view of Sherman et al. as applied to claims 5 and 2 above, and further in view of Waterman (U.S. Pat. No. 2,692,698). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell in view of Sherman et al. as applied to claim 1 above, and further in view of Cheng (U.S. Pat. No. 5,199,452). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell in view of Sherman as applied to claim 2 above, and further in view of Kossak et al. (U.S. Pat. No. 5,678,578). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell in view of Sherman as applied to claim 2 above, and further in view of Blasi et al. (U.S. Design Pat. No. 485,945). Claim 12 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Examiner has objected to claims 1, 9 and 15 due to informalities. Each of these claims has been corrected as suggested by the Examiner.

### **Claim Rejections – 35 U.S.C. §103**

The Examiner has rejected claims 1-5, 8, 9, 13, 14, 17, 18 and 20 as being allegedly unpatentable over McConnell ('121) in view of Sherman ('339). The Examiner notes that McConnell fails to show the wall portions being spaced apart by less than 6mm as claimed and fails to disclose a circular aperture receiving a bearing portion of the reel. Based on Sherman, showing a front wall of a circular aperture, the Examiner alleges it would be obvious to one having ordinary skill to employ the aperture as taught by Sherman into the dispenser of McConnell in order to view the floss spool.

However, neither Sherman nor McConnell disclose the aperture in the wall portion receiving the bearing portion of said wheel such that said reel is “rotatably supported between said walls with said bearing portion projecting into said aperture” as claimed. In fact, Sherman does not even disclose a reel, let alone the specific structure and interaction between the aperture and the reel claimed in claim 1.

While the aperture of Sherman may provide a window into the device, there is absolutely no disclosure whatsoever in this document regarding the manner in which dental floss might be stored. There is certainly no disclosure of a “bearing portion of the reel being supported in the aperture such that the reel is rotatably supported” as claimed. We submit that it

would not be obvious to one having ordinary skill in the art to employ the aperture as taught by Sherman into the dispenser of McConnell and arrive at the specific bearing arrangement claimed in the present invention.

The Examiner has not provided any evidence of any teaching, suggestion, motivation or otherwise for a skilled person to make the required leap and arrive at the present invention in its detailed form as claimed. It is submitted that the Examiner is being overly speculative about what a skilled person might derive from the silence of Sherman as to what is within its housing.

It is only with hindsight that the Examiner is able to connect the dots between the silence of Sherman and the disclosure of McConnell.

The Examiner further alleges that it would have been obvious to one having ordinary skill in the art to construct the wall portions being spaced apart by less than 6mm. It is submitted that the present invention does not claim this feature in isolation and it is therefore more than a mere change in size of a component. It is submitted that there is synergy between the “credit card type” dispenser of the present invention (having walls spaced by less than 6mm) and the arrangement of the circular aperture and bearing portion of the reel which it supports. The improved rigidity of the structure is

discussed in paragraph [0121] of the present specification (published as US 2006/0283479).

The specific claimed arrangement is not obvious, and therefore the claims are allowable.

### **Dependent Claims**

The Examiner has also rejected a number of the dependent claims. It is submitted that claim 1 is new and non-obvious over the cited prior art as discussed above. It is submitted that the dependent claims are also allowable because of their dependency from claim 1.

### **Allowable Subject Matter**

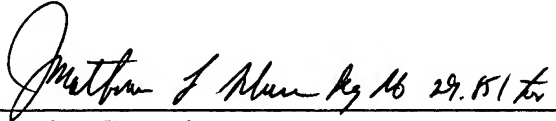
It is appreciated that the Examiner has indicated claim 12 allowable.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:   
John C. Holman  
Reg. No. 22,769

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
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